

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Endor, Inc.
DOCKET NO.: 06-00395.001-F-2
PARCEL NO.: 23-15-17-402-004-0000

The parties of record before the Property Tax Appeal Board are Endor, Inc., the appellant; and the Will County Board of Review.

The subject property consists of a 17.81-acre vacant parcel located in Crete Township, Will County.

The appellant submitted evidence to the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this claim, the appellant submitted an appraisal of the subject property with an effective date of March 2007. The appraiser used only the sales comparison approach in estimating the subject's market value at \$7,000, or \$393.04 per acre. The appraiser submitted a grid analysis detailing the subject and three comparable properties located 1.1 to 1.98 miles from the subject. The appraiser indicated the comparables range in size from 5.0 to 10.95 acres and were residential or industrial sites, whereas the subject was zoned A-1 Agricultural. The comparables reportedly sold between August and November 2005 for prices ranging from \$95,000 to \$275,000 or from \$8,676 to \$27,500 per acre. The appraiser made significant adjustments to the comparables' sales prices. For example, he adjusted them downward by \$90,000 or \$180,000 because of street access, whereas the subject has no street access. He also adjusted the comparables downward by \$47,500 to \$95,000 because they were comprised of no wetland areas, whereas he stated the subject is 25% wetland. The appraiser provided no market data to support these huge adjustments. After adjustments, the comparables had adjusted sales prices ranging from \$5,000 to \$10,000 or from \$395.78 to \$2,000 per acre.

In her addendum, the appraiser stated the subject is bisected by a public utility easement with high tension lines and towers and that the 25% wetland portion of the subject is "unusable for any

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Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds no change in the assessment of the property as established by the Will County Board of Review is warranted. The correct assessed valuation of the property is:

LAND:	\$	126,326
IMPR.:	\$	0
TOTAL:	\$	126,326

Subject only to the State multiplier as applicable.

purpose." The appraiser referred to a report prepared by J.F. New and Associates, Inc., but did not submit the report with the appraisal. The appraiser further stated that the Will County zoning ordinance for the A-1 classification requires a property to contain a minimum of 10 acres and have at least 300 feet of road frontage. She stated that because of the utility easement, the subject is split into two segments, neither of which contains 10 acres and that the subject has no road frontage. Finally, the appraiser opined that "While property (the subject) could be used for agricultural purposes, the existence of the wet land and the existing scrub, trees and vegetation would cause the clearing of the land necessary for it to be farmed to be economically unfeasible." Based on this evidence, the appellant requested the subject's total assessment be reduced to \$1,763 or \$99.00 per acre.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$126,326 was disclosed. The subject has an estimated market value of \$379,243 or \$21,294 per acre, as reflected by its assessment and Will County's 2006 three-year median level of assessments of 33.31%.

In support of the subject's assessment, the board of review submitted a letter prepared by the township assessor and copies of Real Estate Transfer Declarations for the three comparables used in the appellant's appraisal. The letter stated the subject had a farmland assessment until 2006, when it was changed "due to Farm Bill 810. When we conformed to the rule changes due to that bill, the land did not appear to be farmed." The subject was assessed at \$7,093 per acre, based on an estimated market value of \$21,279 per acre, which was the "one-acre homesite value for farm parcels at that time." The letter further stated that the assessor's office was not informed of any wet land areas.

The assessor's letter observed that the appellant's appraiser did not identify the comparables used in the report by parcel identification numbers (PINS) or street numbers. Nevertheless, the assessor estimated the locations and PINS of the comparables. She noted the appellant's comparable 1, which she claims contains 11.00 acres, sold again in October 2006 for \$252,853, or \$22,987 per acre. The assessor also noted the appellant's comparable 2 sold for \$27,500 per acre. Finally, the assessor noted the appellant's comparable 3 sold for \$27,500 per acre.

After reviewing the record and considering the evidence, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal. The Property Tax Appeal Board further finds no reduction in the subject property's assessment is warranted. The appellant argued overvaluation as a basis of the appeal. When market value is the basis of the

appeal, the value must be proved by a preponderance of the evidence. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill.App.3d 1038 (3rd Dist. 2002). After analyzing the market evidence submitted, the Board finds the appellant has failed to overcome this burden.

The Property Tax Appeal Board finds the appellant submitted a farm appeal, requesting the subject's assessment be reduced to \$1,763.

The Board finds Section 10-110 of the Property Tax Code provides as follows:

Farmland. The equalized assessed value of a farm, as defined in Section 1-60 and if used as a farm for the preceding two years, except tracts subject to assessment under Section 10-45, shall be determined as described in Sections 10-115 through 10-140... (35 ILCS 200/10-110)

The Board further finds Section 1-60 of the Property Tax Code defines "farm" in part as:

Any property used solely for the growing and harvesting of crops; for the feeding, breeding and management of livestock; for dairying or for any other agricultural or horticultural use or combination thereof; including, but not limited to hay, grain, fruit, truck or vegetable crops, floriculture, mushroom growing, plant or tree nurseries, orchards, forestry, sod farming and greenhouses; the keeping, raising and feeding of livestock or poultry, including dairying, poultry, swine, sheep, beef cattle, ponies or horses, fur farming, bees, fish and wildlife farming (35 ILCS 200/1-60).

The Board finds no evidence in the record that the subject parcel was farmed for the assessment year of 2006, or for 2005 and 2004, the two years prior to the instant assessment year, even though the assessor's letter submitted by the board of review indicates the subject had been receiving a farmland assessment prior to new changes in 2006 due to implementation of Bulletin 810 regarding clarification of various issues related to farmland assessments. For these reasons, the Board finds the appellant failed to support a claim that the subject should be classified and assessed as farmland.

The Board next finds the market value estimate in the appellant's appraisal is unsupported. The Board notes the three comparables used by the appraiser were residential or industrial properties,

dissimilar to the subject. The Board also finds the appraiser made huge adjustments as high as \$95,000 and \$180,000 to the comparables' sales prices, such as in comparable 3. This comparable's raw sale price was adjusted from \$275,000 down to just \$5,000. The Board finds the appraiser also adjusted the comparables for their lack of wetland when compared to the subject by \$47,500 or \$95,000. The Board finds that the comparability of such properties to the subject is severely compromised when such enormous adjustments are purportedly needed to derive a reliable market value estimate for the subject property. Furthermore, the Board notes the appraiser included no explanation as to the source of these adjustments, nor did she provide any evidence from the market to justify them. For these reasons, the Board will consider only the comparables' raw sales prices, not the adjusted sales prices.

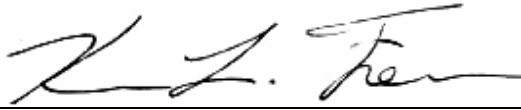
The Board finds these raw sales prices ranged from \$8,676 to \$27,500 per acre. The subject's estimated market value of \$379,243 or \$21,294 per acre as reflected by its assessment falls within this range. The board of review submitted no additional comparables in support of the subject's assessment, but did clarify the PINS and locations of the appellant's comparables.

Based on the above analysis, the Property Tax Appeal Board finds the appellant has failed to prove overvaluation by a preponderance of the evidence and the subject's assessment as determined by the board of review is correct and no reduction is warranted.


This is a final administrative decision of the Property Tax Appeal Board which is subject to review in the Circuit Court or Appellate Court under the provisions of the Administrative Review Law (735 ILCS 5/3-101 et seq.) and section 16-195 of the Property Tax Code.



Chairman



Member



Member



Member



Member

DISSENTING: _____

C E R T I F I C A T I O N

As Clerk of the Illinois Property Tax Appeal Board and the keeper of the Records thereof, I do hereby certify that the foregoing is a true, full and complete Final Administrative Decision of the Illinois Property Tax Appeal Board issued this date in the above entitled appeal, now of record in this said office.

Date: August 14, 2008



Clerk of the Property Tax Appeal Board

IMPORTANT NOTICE

Section 16-185 of the Property Tax Code provides in part:

"If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel after the deadline for filing complaints with the Board of Review or after adjournment of the session of the Board of Review at which assessments for the subsequent year are being considered, the taxpayer may, within 30 days after the date of written notice of the Property Tax Appeal Board's decision, appeal the assessment for the subsequent year directly to the Property Tax Appeal Board."

In order to comply with the above provision, YOU MUST FILE A PETITION AND EVIDENCE WITH THE PROPERTY TAX APPEAL BOARD WITHIN 30 DAYS OF THE DATE OF THE ENCLOSED DECISION IN ORDER TO APPEAL THE ASSESSMENT OF THE PROPERTY FOR THE SUBSEQUENT YEAR.

Based upon the issuance of a lowered assessment by the Property Tax Appeal Board, the refund of paid property taxes is the responsibility of your County Treasurer. Please contact that office with any questions you may have regarding the refund of paid property taxes.